

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

JASON CODLING,

Plaintiff,

v.

ACCENTURE LLP,

Defendant.

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Case No.: 1:07cv686

**ORDER**

Before the Court is Defendant's Motion to Dismiss the Amended Complaint (Dkt. no. 13). This matter is before the Court for the second time after the Court dismissed Plaintiff's original Complaint in part, with prejudice, and in part without prejudice on August 31, 2007. As to Plaintiff's remaining allegations dismissed without prejudice, namely discriminatory discharge by Plaintiff, as he was not permitted to view his performance evaluation or to complete further training, the Court gave Plaintiff thirty days to file an amended complaint, which Plaintiff so filed on September 28, 2007.

Plaintiff's Amended Complaint asserted two additional claims that were not adjudicated before the EEOC. The claims Plaintiff asserted in his Equal Employment Opportunity Commission ("EEOC") complaint govern the scope of a civil action under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. (2000). *Chacko v. Patuxent Inst.*, 429 F.3d 505, 506 (4th Cir. 2005); *Miles v. Dell Inc.*, 429 F.3d 480, 491 (4th Cir. 2005). Therefore, "[o]nly those discrimination claims stated in the initial charge, those reasonably related to the original complaint, and those developed by reasonable investigation of the original complaint

may be maintained in a subsequent Title VII lawsuit.” *Chacko*, 429 F.3d at 506 (internal citations omitted). Accordingly, the following claims in Plaintiff’s Amended Complaint (Dkt. no. 11) not alleged in Plaintiff’s EEOC complaint or reasonably related thereto: (1) national origin discrimination and (2) retaliation, are DISMISSED WITH PREJUDICE. *Chacko*, 429 F.3d at 506; *Miles*, 429 F.3d at 491.

As to the remaining claims in Plaintiff’s Amended Complaint, for the reasons articulated from the bench, it is hereby

ORDERED that Defendant’s Motion to Dismiss the Amended Complaint is GRANTED. Accordingly, Plaintiff’s Amended Complaint is DISMISSED WITH PREJUDICE.

Defendant may file a motion for attorney fees and costs within 20 days from the date of this Order. Plaintiff has 14 days thereafter to respond.

ENTERED this 3rd day of December, 2007.

\_\_\_\_\_/s/  
Liam O’Grady  
United States District Judge

Alexandria, Virginia